

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

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INTRODUCTION

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) Review the separate instruction sheet prior to completing this document. Submit original (unbound) completed application (with ink signature) to the Administrative Office of the Courts. In addition, submit a digital copy with electronic or scanned signature via email to

debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

I currently serve as the Managing Member and Founder of Bowe & Associates, PLLC – 707 Georgia Avenue, Suite 301 (423) 475-6070. My practice is a general practice emphasizing trial law and cross-spectrum litigation (from commercial litigation to special education and domestic). My curriculum vitae is attached to this application.

2. State the year you were licensed to practice law in Tennessee and give your Tennessee Board of Professional Responsibility number.

I was licensed and provided a Bar number by the TNBPR on April 12, 1995.

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

I am licensed to practice before the State Courts of Tennessee. I am licensed to practice before the Federal District Courts of Tennessee, Michigan, Connecticut, and the United States Sixth Circuit Court of Appeals.

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

I did not pass the multi-state portion of the NC and AZ Bar Exams. I have learned approximately 20 years later that I have a standardized testing issue.

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

I have been an associate progressing through the ranks of Chambliss Bahner; Squire Sanders & Dempsey; Ford & Harrison and Kilpatrick Stockton. In each firm I engaged in operations, employee/personnel management; developed and maintained a book of business; and engaged in the administrative tasks required to operate a successful legal practice. Additionally, I managed a

Title Company performing real estate closings and chain of title searches. Prior to Bowe & Associates, PLLC I managed Andrews & Bowe, PLLP, was a judge in a trial court of first impression as a Juvenile Court Referee for four (4) years on juvenile delinquency and custody cases. In managing the firm, I have engaged in the business aspects of managing trust funds, marketing, event marketing, and relationship maintenance all while practicing law in an effort to continue a relevant, but cost-effective practice. I also am a Reserve Police Officer with the City of Collegedale, Tennessee. With that duty comes a separate set of real world responsibilities up to and including death and other long-term consequences for citizens in the community and myself. I have discovered an improved perspective on analyzing legal issues and applying the law as an officer, particularly with respect to the emphasis on building up the community and obtaining voluntary compliance.

6. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

First chair trial lawyer representing closely held concerns in business and commercial contract disputes and vendor disputes (25%), telecommunications (5%), employment (5%), crisis intervention and crisis response, domestic (50%), criminal (5%), admiralty and marine and maritime law (2%), health care, health care compliance, bio-tech, pharmaceutical, civil rights (3%), and regulatory matters, including white collar crime (5%). Primary industries include healthcare, fire protection, independent power production, energy research, manufacturing, security, and disadvantaged business enterprises – including executive protection/security industry. I maintain current general business skill with ISO 9000, 31000, 14000 specific entities in corporate compliance, manufacturing, governance, regulatory compliance under ITAR, EAR, and AECA, contracting (negotiation and drafting), employment/labor issues, franchising, and business growth and development. Additionally, I manage outside trademark and patent counsel and am responsible for managing broad spectrum compliance issues where I saved two business clients \$2,500,000.00 and \$15,500,000.00, respectively, in operational expenses. My criminal practice knowledge base extends to SBA 8(a) programs, methamphetamine possession, methamphetamine manufacture, cocaine, crack cocaine, murder, arson, armed robbery, and attempted murder cases.

7. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters.

I have first chaired multi-million dollar commercial disputes resolving through negotiated settlement or trial several high stakes matters for healthcare vendors and manufacturers. I have navigated SBA8(a) Federal Regulatory compliance issues for small disadvantaged businesses; I have chaired drug trafficking and murder trials. Also, administrative trials in special education due process proceedings, Department of Children Services Administrative proceedings, as well as proceedings before beer boards, licensing bodies, and ordinance boards. I spend perhaps 40 percent of my time in Federal Court and the remainder in State Courts all litigating (in trial practice inclusive of motions practice). I have prosecuted Emergency Medical and Active Labor Treatment Act and Civil Rights 1983, 1981 cases from Federal Court up through the Sixth

Circuit Court of Appeals. In addition to the foregoing, I have prepared numerous commercial contracts, franchise agreements, executive compensation agreements, special education IEPs, 504 Plans, as well as leases, buy/sell agreements, merger and acquisition agreement for a local telecommunications company and general business documents.

8. Describe any matters of special note involving your practice in trial courts, appellate courts, and administrative bodies.

While each case takes some personal emotion from me, none have seared me as my Emergency Treatment and Active Labor Act, a breach of contract, and civil rights cases in the last five years. The status of the law is murky in the 6th Circuit for the elderly who suffer from strokes misdiagnosed as Bell's palsy who cannot afford or find experts who can adequately explain the science of stroke and relate it to damages. Further, I was struck by an institution upon which an entire State relied and its response to commercial contracting with vendors whom it courted, gained publicity, and induced into action benefitting only the institution, but refused to own its obligations or pay under contract terms. Finally, a case in which high school cheerleaders attended a Halloween costume party in Georgia (just across the Tennessee state line from their High School), where no evidence existed of any but one of their number drinking (she, stopped by police for speeding and arrested for DUA) were removed from the team, lost scholarships to college, and were suspended under the guise of 'safety and discipline (maintaining good order in school)'. These demonstrated to me that there is a dearth of law addressing these situations where a suitable punishment can be administered but nothing so excessive as to deprive 18 year old with no life experience of the promising future ahead of them. These cases and those like them leave impressions of how to approach any legal matter.

9. Describe any other legal experience, not stated above, that you would like to bring to the attention of the Commission.

In addition to the foregoing, I have experience in addressing international issues created by treaties (Hague Treaty, NAFTA, and others). This experience came as a Magistrate (Referee) on the Juvenile Court bench and as a practitioner addressing company issues for clients in trade with Canada, Mexico and across Europe. I have served as General Counsel for government vendors and international security firms addressing ITAR, EAR and other weapons regulatory issues as well as human resources, corporate compliance, contracting, non-profits, and directing business units appropriately.

10. List and describe all prior occasions on which you have submitted an application for any state or federal judicial position.

None.

EDUCATION

11. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

Duke University, 1987 – 1991 – BA Sociology, Business Organizations; Aging and Human Development; Benjamin Duke Leadership Scholar; Degree awarded May 12, 1987 and Vanderbilt University School of Law, 1991 – 1994 – JD; Degree awarded May 13, 1994

PERSONAL INFORMATION

12. State your date of birth.

March 27, 1969

13. How long have you lived continuously in the State of Tennessee?

Since April 4, 2000 to present. A total of seventeen (17) years.

14. How long have you lived continuously in the county where you are now living?

Since April 4, 2000 to present. A total of seventeen (17) years.

15. State the county in which you are registered to vote.

Hamilton County, Tennessee.

16. Describe your military service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

Not applicable.

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

No.

18. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

No.

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint.

None.

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

Yes. Currently negotiating an installment payment contract. I believed an accounting error occurred which was traced to a software program and resulted in improper tax rate and tax amount. There was an accounting error in the software program, but the error was not such that it caused the improper tax rate. Subsequently and prior to that revelation, I fell behind in my quarterly payments largely in part due to revenue stream changing my billing structure and financing client cases. Those errors have since been adjusted and corrected.

21. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

No.

22. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

I have been a Plaintiff in a wrongful death lawsuit following the death of our nine (9) month old

son (2003 Ohio); I have been a defendant in a breach of real estate purchase which was dismissed by agreement (2004, Hamilton County General Sessions Court) home purchase contingent on financing satisfactory to buyer and financing was not satisfactory; I have been a Plaintiff in an annulment filed April, 2008 Hamilton County Circuit Court Division III, suit for annulment during which discovery revealed Wife was previously married and still married without disclosing the same to me; custody awarded to me of our minor child [now an adult] and her son [now an adult] remained with me when she relocated from Tennessee later that same year. Finally, I was a Defendant in a lawsuit regarding student loan payments where the suit was in error as the loan had been sold to another company. The issue and payments were resolved.

23. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

Board of Directors Chattanooga Zoo (2015 - present)

Board of Directors Chattanooga Ballet (2015 - present)

Board of Directors Erlanger Health System Foundation (E.A.C.H. Council Children's Hospital) (June 2015 to present)

Adjunct Professor Paralegal Studies - Chattanooga State Community College (2008 - 2012)

Adjunct Prof. Criminal Justice - The University of Tennessee at Chattanooga (2011 to present)

Ooltewah High School Football Assistant Coach (2012 - 2015)

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.

- a. If so, list such organizations and describe the basis of the membership limitation.
- b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

No.

ACHIEVEMENTS

25. List all bar associations and professional societies of which you have been a member

within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

American Bar Association 1994 to present

Tennessee Bar Association 2000 - present

Chattanooga Bar Association – 2000 - 2016

Tennessee Bar Association Executive Council Litigation Section (2012 to present)

Tennessee Bar Association Public Education Committee (2012 to present) (current Chair)

Tennessee Bar Association Federal Litigation Committee (2012 to present)

26. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

Larry Dean Wilks Leadership Award from Tennessee Leadership Law 2012

27. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

In 2013 I applied for the vacancy for Hamilton County Juvenile Court Judge opened by the retirement of Suzanne Bailey, Presiding Judge, Hamilton County Juvenile Court. The position was to be filled by appointment by the Hamilton County Commissioners (2013). The terms required securing the appointment from the County Commission and then standing for election.

ESSAYS/PERSONAL STATEMENTS

28. What are your reasons for seeking this position? (150 words or less)

My desire to serve the community is strong enough to present myself for inspection not only to the Commission and the Governor, but also to my community members. As an academic, presiding over cases and legal arguments is quite fulfilling, but as a human being, helping litigants resolve problems through fair and appropriate rulings is why I became a lawyer. I believe that my skill set is best served from the bench. I have judicial experience in a trial court of first impression, and believe my reputation in the legal community and amongst judge's in our District is held in high regard.

29. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges,

etc. and explain how your selection would impact the court. *(150 words or less)*

I seek appointment to the Hamilton County Circuit Court Division IV Judicial Vacancy. The position addresses a variety of civil litigation across the 11th Judicial District. The cases range from contract disputes, personal injuries, intellectual property, admiralty, domestic, employment, personal injury, real estate, terminations, adoptions, child support, worker's compensation, and appeals from Juvenile Court as well as Sessions Court. Currently there are four (4) Divisions in Hamilton County's Circuit Court and as a result, I will be one of four judges resolving a case load of perhaps 185 cases annually. My selection would provide diversity in background, experience, and add depth to the bench strength of Hamilton County. Further, selection would aid in restoring the public's faith in my Republican Party's claim of inclusion and a place for everyone based on merit. That impact is significant and cannot be understated. For my County and my State these are real considerations.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

I have taken an oath to uphold the law, the Constitutions of the State of Tennessee and the United States. Nothing is more sacred than the rule of law and customs and tradition invoked by the same. I am forced quite often to explain to potential and actual clients alike that while I disagree with the law, their position under the law is not viable nor likely to win as I advise of a better approach to resolving conflict. As a Juvenile Court Judge, I often was in the position of having to return children to parents who accomplished everything required for a reunification, but were based on facts and history, certainly not able to avoid future dependency and neglect proceedings based on their facts – yet I issued the orders appropriately and after requiring compliance with the law. Where appropriate good faith arguments for change in the law are important. Unfortunately, litigants often meet with disappointment because their legal result does not meet expectation. The laws to which this question refers are those statutes and precedent which evoke the consistency and inner fabric of community and are designed to promote civility and efficiency. Societal issues in a world where norms change rapidly to reflect the social reality are best suited for the legislature. Hence, I have no qualm upholding the law even if I disagree with its substance. Changes in the law are left to society at large to implement through their participation as citizens engaging the legislature to act.

REFERENCES

31. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

A. The Honorable Jeffrey Hollingsworth

B. Nicholas Zeppos, Chancellor

C. The Honorable Barry Steelman,

D. Rawle Andrews, Jr., Esq.

Washington, District of Columbia, 20049 (202) 434-2277

E. The Honorable Kevin Wilson, City Court Judge

City of Collegedale

4190 Swinyar Drive

Collegedale, Tennessee 37315 (423) 468-1891


AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Circuit Court, Division IV, Hamilton County Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: August 2, 2017.



Signature

When completed, return this questionnaire to  Selma Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.

**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS**

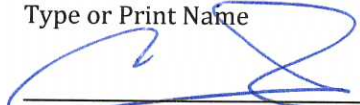
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Curtis Lee Bowe, III
Type or Print Name


Signature

August 2, 2017
Date

017037
BPR #

Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.
